

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ASHTON JAMARR PHILIP,

Plaintiff,

VS.

EXECUTIVE CLEMENCY UNIT, ET AL.,

Defendants.

No. 1:24-cv-01014-SHM-tmp

**ORDER GRANTING MOTION TO DISMISS § 1983 COMPLAINT (ECF No. 8.);
DENYING MOTION FOR SERVICE OF PROCESS (ECF No. 6);
AND DISMISSING CASE WITHOUT PREJUDICE**

On January 8, 2024, Plaintiff Ashton Jamarr Philip filed a *pro se* complaint under 42 U.S.C. § 1983 and a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) When Philip filed his complaint, he was confined at the Northwest Correctional Complex (the “NWCX”) in Tiptonville, Tennessee.¹ (ECF No. 1 at PageID 2.) The Court granted Philip’s motion for leave to proceed *in forma pauperis* and assessed the civil filing fee pursuant to the Prison Litigation Reform Act, 28 U.S.C. § 1915(a)-(b). (ECF No. 4.) On May 29, 2024, Philip filed a motion for service of process. (ECF No. 6.) On August 14, 2024, Philip filed a motion to voluntarily dismiss his complaint. (ECF No. 8.)

¹ A search of the Tennessee Department of Correction (“TDOC”) Felony Offender Information website reveals that Philip remains incarcerated at the NWCX. *See* <https://foil.app.tn.gov/foil/search.jsp> (TDOC ID 455787) (last accessed Aug. 30, 2024).

Philips says that he is moving to dismiss the case “in the spirit of healing and reconciliation” and because “[t]here is no longer any live action or controversy.” (*Id.* at PageID 104.) Federal Rule of Civil Procedure 41(a) allows a plaintiff to dismiss his case before the opposing party serves an answer. The defendants in this case have not been served.

The Court GRANTS Philip’s motion to dismiss his complaint. The case is DISMISSED WITHOUT PREJUDICE pursuant to Rule 41(a). Philip’s motion for service of process is DENIED as moot because the case will not proceed.

IT IS SO ORDERED, this 30th day of August, 2024.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE